

## ARTICLE 10-06

### NORTH DAKOTA PEACE OFFICER STANDARDS

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#### CHAPTER 10-06-01

#### MINIMUM STANDARDS OF TRAINING PRIOR TO CARRYING A WEAPON

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**10-06-01-01. Definitions.** The terms used throughout this article have the same meaning as in North Dakota Century Code title 12 except:

1. "Board" refers to those individuals who have been appointed by the attorney general to the peace officer standards and training board.
2. "Division" means the bureau of criminal investigation training section of the office of the attorney general.
3. "Duty equipment" is the equipment normally carried by an officer in the performance of the officer's duties.
4. "Duty weapon" is the weapon normally carried by an officer in the performance of the officer's duties.
5. "Executive secretary" means the director of the bureau of criminal investigation training section of the office of the attorney general.
6. "Peace officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.

7. "Sidearm" is a pistol, semiautomatic, or revolver carried by a peace officer.

**History:** Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-02. Sidearm authorization and qualification.** No peace officer may be authorized to carry a sidearm in the course of employment or in the performance of official duties unless the officer has completed the qualification requirements. Qualification will be based upon satisfactory completion of a weapons safety and proficiency test approved by the board. Any peace officer from any other state, who has received professionally recognized peace officer training and is duly licensed or certified by the peace officer licensing or certification authority of the state in which the peace officer's appointing authority is located, who pursuant to an agreement from a governmental unit in North Dakota authorizing the exercise of peace officer powers in that North Dakota jurisdiction and when responding to particular and singular violations of law in that jurisdiction is waived from the requirements of this chapter.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-03. Weapons safety and proficiency examination.** A weapons safety and proficiency test shall be developed and administered by the board or its representatives. The test shall be comprised of two parts:

1. A written examination including, but not limited to, weapons safety, weapons handling, mechanical operations, liability, and North Dakota laws. Satisfactory completion of this section shall require a minimum score of seventy percent overall with one hundred percent required for the North Dakota law portion.
2. A certified shooting course using the duty weapon, duty equipment, and duty ammunition. Satisfactory completion of this portion shall require a minimum score of seventy percent and the demonstration of reasonable competence in weapon skills as determined by a certified weapons instructor.
3. The written examination and shooting course may be taken by an individual no more than three times in any twelve-month period. After the third unsuccessful attempt, the individual must wait one year before retaking the examination or shooting course again.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-09, 12-63-11, 12-63-12

**10-06-01-04. Waiver.** The board may waive the completion of any part required by this article upon presentation of documentary evidence by a department or by staff that an officer has satisfactorily completed equivalent training or experience. Waivers will be considered by the board on a case-by-case basis.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-08, 12-63-09, 12-63-11

**10-06-01-05. Requalification required annually.** Every peace officer must qualify with the officer's duty weapon each year as a condition of licensing.

1. Requalification will be based upon satisfactory completion of a certified combat shooting course at least once during each year, fired between January first and December thirty-first.
2. For those not required to carry a weapon, a waiver can be obtained upon request from the agency administrator.
3. Individuals who have not qualified in over two years will be required to successfully complete both the written examination and shooting course.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-06. Employers' responsibility.** All employers of peace officers are responsible for providing or obtaining the necessary training to enable the individual officer to meet the standards required by this chapter.

**History:** Effective January 1, 1983.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-07. Certified weapons instructors.** The board shall be responsible for maintaining a list of certified weapons instructors and certified shooting courses.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-08. Requirements for weapons instructors' certification.** To become a certified weapons instructor, a peace officer must attend an approved weapons instructors' course; or have equivalent training plus have attended an approved methods of instruction course or equivalent. To be certified as a weapons instructor, an individual must successfully complete a method of instruction course

and the weapons instructor course. If a person is only going to qualify individuals on the range, the instructor course is only required.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-09. Weapons instructors must be recertified.** Weapons instructors must apply for instructor recertification every four years by the anniversary date of the instructor's original certification. Each instructor shall be required to conduct at least one certified combat shooting course annually.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-62-04, 12-63-04

**Law Implemented:** NDCC 12-62-04, 12-63-06, 12-63-09, 12-63-11

**10-06-01-10. Certified shooting course.** All agencies that use their own combat shooting courses must apply to the board for certification of that course. Scores obtained on a nonapproved course will not count toward qualification of that officer.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-62-02(6)

**10-06-01-11. Criteria for a certified shooting course.** To be certified, a shooting course must meet the following requirements:

1. The course must include a minimum of three firing positions, such as:
  - a. Prone.
  - b. Sitting.
  - c. Standing.
  - d. Kneeling.
  - e. Point shoulder.
  - f. Crouch.
  - g. Walking.
  - h. Barricade position.
2. The course must induce stress by the use of time, physical activity, or night/low light conditions or a combination of all three. A time limit for course completion must be stated.

3. The course must include firing from at least three different yardages:
  - a. These yardages to be not less than one yard [0.91 meter] nor more than twenty-five yards [22.86 meters].
  - b. The majority of firing to take place at seven yards [6.40 meters] or more.
4. The course must include the firing of at least eighteen but not more than sixty rounds of ammunition from start to finish.
5. The course must be fired completely double-action (revolvers) or semiautomatic mode (pistol) and include both strong and weak-hand shooting.
6. The ammunition used when firing for annual qualification will be ballistically similar to the ammunition normally carried on duty.
7. The course must be fired using only the duty weapon and duty equipment.
8. The target used must be a silhouette-type similar to the B-27 or a "duelatron" type, no bull's-eye target may be used.
9. Within seven days after the completion of a certified shooting course the certified weapons instructor shall forward to the division a completed qualification form showing each student's name, social security number, and agency; course name and training location and date; whether or not the student scored the minimum required; and whether or not certification is recommended.

**History:** Effective January 1, 1983; amended effective July 1, 1989; June 1, 2000.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11

**10-06-01-12. Issuance, denial, revocation of qualification.** The board shall review all requests for qualification and requalification. Applications may be denied on the basis of failure to obtain the required scores, upon a finding that the officer falsified any information required to obtain qualification, or upon the written recommendation of a certified instructor. The board may require any individual to requalify based upon the written recommendation of the agency administrator or certified weapons instructor or when the board deems it necessary.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11, 12-63-12

**10-06-01-13. Notice of denial or revocation - Hearing.** The board shall notify in writing any individual and the agency administrator when the board believes

there is a reasonable basis for revoking or denying qualification of the individual. The notice shall specify the basis of the revocation or denial. Every individual has the right to a hearing on the issue of denial or revocation. Hearings shall be conducted in accordance with and in the manner prescribed by North Dakota Century Code chapter 28-32.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-06, 12-63-09, 12-63-11, 12-63-12, 12-63-13

**10-06-01-14. Appeals.** Appeals of board decisions will be made in compliance with North Dakota Century Code chapter 28-32.

**History:** Effective January 1, 1983; amended effective July 1, 1989.

**General Authority:** NDCC 12-63-04

**Law Implemented:** NDCC 12-63-12